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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,738	09/08/2003	Jaron Lambert	P-2260	3371

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EXAMINER
LAY, MICHELLE K

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/658,738	LAMBERT, JARON
	Examiner	Art Unit	
	Michelle K. Lay	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 August 2005</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-33</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02 February 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)*
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 08 August 2005 was
filed after the mailing date of the Non-Final Office Action on 08 February 2005. The
submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the
information disclosure statement is being considered by the examiner.

Drawings

Amendment to the specification [pg. 10, lines 9-16] overcomes the drawing
objection made in the Non-Final Office Action dated 08 February 2005. Fig. 4 is now
acceptable.

Response to Amendment

The amendment filed on 08 August 2005, has been entered and made of record.
Claims 1-33 are pending.

Response to Arguments

In response to applicant's arguments, the recitation of *time according system* has
not been given patentable weight because the recitation occurs in the preamble. A
preamble is generally not accorded any patentable weight where it merely recites the
purpose of a process or the intended use of a structure, and where the body of the

claim does not depend on the preamble for completeness but, instead, the process

steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190

USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481

(CCPA 1951).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1 – 3, 20, 21, 24 – 27, and 31 – 33 are rejected under 35 U.S.C. 102(b)

as being anticipated by US Patent No. 5,873,108 to Goyal et al.

In regards to claims 1, and 31 – 33, Goyal et al. discloses a personal information

manager applicable to personal information manager software (claim 32) running on

personal computing devices of various descriptions, including desktop computers,

laptops, notebooks, sub-notebooks, PDAs, etc. (claim 33) [column 3, lines 57 – 60].

Referring to Fig. 2, the computing device (100) includes a microprocessor (201) and,

connected to the microprocessor (201), control logic (203). The microprocessor (201)

and the control logic (203) are connected to a central bus (205) (claim 33) [column 3,

lines 61 – 68]. Also connected to the bus (205) are memory devices (claim 33) [column

4, line 1]. Shown in Fig. 15, a grid array is displayed, with a column for each day of the

week and a row for each hour of a typical workday. Appointments, events and activities

already scheduled during the week are indicated by the corresponding time being

shaded or highlighted (claim 1) [column 8, lines 47 – 54]. A start (claim 2) and stop time

is graphically seen by the amount of shading within the time blocks where each day is

divided into units of time (claim 31) as illustrated in Fig. 15. When making an entry in

the personal information manager, the user first enters a time by touching the screen

within the TIME column of the line (301) in Fig. 3 [column 4, lines 41 – 46] with input

device, such as a stylus (claim 1) [column 3, line 54].

In reference to claim 3, illustrated in Fig. 15, blocks of time are graphically shown to

start and end depending on the amount of time shaded. It may be understood that the

user specifies these times. Therefore, the graphical stop time representation of one

task may also be the graphical start time of another if the user so wishes.

Regarding claims 20, and 21, unless otherwise specified, the day displayed on the

personal information manager is the current day, displayed along with the current time

[column 8, lines 35 – 36].

Referring to claim 24, entries may be changed or deleted entirely. Referring to Fig.

3, an entire entry may be deleted by selecting any field within that entry and touching a

delete button (311) [column 6, lines 44 – 48].

In regards to claims 25 – 27, a notes facility is provided within the personal

information manager. A note associated with an entry may be entered by selecting a

field within column (313) of Fig. 3. A screen display such as that of Fig. 8 is then

displayed, providing a window in which additional text may be entered. The user, when

finished entering text, touches the OK button. The screen display of Fig. 8 is then

closed, and a marker is displayed within the notes field to indicate the existence of a

note [column 7, lines 54 – 65].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 4 – 11, 14 – 16, 19, 22, and 23 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent No. 5,873,108 to Goyal et al. in view of "Special

Edition Using Microsoft Outlook 2002" to Padwick.

Goyal et al. discloses the claimed limitations of claims 4 – 11, 14 – 16, 19, 22, and

23 with the exception of describing creating a new instance by clicking on the time

location on the time line. However, Padwick teaches adding a new entry in such a

fashion for Microsoft Outlook 2002, including the use of the current time (claim 22) and

the drag function as described in claim 7. Padwick also discloses the use of different

colors to identify different tasks, as claimed in claim 16.

Padwick teaches creating an appointment in Microsoft's messaging and

collaboration application software. This software includes e-mail, an integrated

calendar, and contact-management and task-management features, and it also

provides support for building customized tools, such as special-purpose forms, for a

collaborative functions. To create an appointment, one may point onto the time segment at which the appointment is to start (claims 4, 11), press and hold down the mouse button, drag down to select the period of the appointment (claims 7, 9, 10), and then release the mouse button [page 198 – 199]. As shown in Figure 9.4, blocks of time are shown for dedicated tasks. Start (claim 5) and stop (claim 8) times are shown graphically by the amount of shading within the time blocks where each day is divided into units of time (claim 15) [page 199]. An entry may also be selected from a list. A drop-down label list is provided, allowing the user to choose a category in which the appointment may fall under (claim 6, 19) [page 205]. These categories may also be color coded, e.g., vacation is gray and a phone call is yellow (claim 14, 16). When creating a new appointment with the use of the appointment form, the appointment form defaults to the current date and a 30-minute appointment (claim 22, 23).

Therefore, it would have been obvious to one in the art at the time the invention was made to incorporate the creation of a task of Padwick with the invention of Goyal et al. because this provides a fast and efficient alternative from using pop-up screens and filling out fields for time and text [Goyal et al.: column 4, lines 41 – 52]. The addition of color also provides an uncomplicated, straightforward visual way to identify the scheduled tasks.

3.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,873,108 to Goyal et al. in view of US Patent No. 5,760,773 to Berman et al.

Goyal et al. discloses the claimed limitations of claims 12 with the exception of describing the act of changing the time of a selected task by dragging the graphical task to another time location on the time line. However, Berman et al. discloses an apparatus and method for displaying and manipulating information on a computer display screen, and more particularly relating to a calendar program.

Referring to Fig. 5 of Berman et al., the action handle (40) is being dragged with a stylus (12) from its initial position to a rest position at (53). As shown, the data object is a calendar item (42) indicating "12:00 – Project status meeting with Staci", and has a corresponding (status) action handle comprising a miniature calendar [column 15, lines 57 – 68]. As the stylus (12) is moved to drag the action handle, a drag icon (40') is generated at successive positions along the trajectory (48) until the resting position at (53), which is at the calendar time 5:00 PM. At the resting position (53), assume that a location where the selected data item may properly be deposited or "dropped", which occurs upon release or withdrawal of the stylus. If the end result of the operation is a proper move operation, upon release the static action handle (40) and its associated data item (42) appear at the new location, and are deleted from the old, initial location [column 16, lines 1 – 14].

Therefore, it would have been obvious to one in the art at the time the invention was made to incorporate the dragging attribute of Berman et al. with the invention of Goyal et al. because this provides a fast and efficient alternative to modify an existing task's schedule instead of having to use pop-up screens and altering fields for time [Goyal et al.: column 4, lines 41 – 52].

4.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 5,873,108 to Goyal et al. in view of US Patent No. 5,760,773 to Berman et

al. as applied to claim 12 above, and further in view of "Special Edition Using Microsoft

Outlook 2002" to Padwick.

Goyal et al. in view of Berman et al. discloses the claimed limitations of claim 13

with the exception of teaching avoiding multiple sessions with the same time. However,

Padwick discloses Microsoft Outlook will tell you when appointments and other activities

you create might cause problems. In addition to altering, when you try to create an

appointment in the past, the InfoBar also warns you if you attempt to create an

appointment that conflict with an existing appointment [page 201].

Therefore, it would have been obvious to one in the art at the time the invention

was made to use the warning system of Padwick with the combination invention of

Goyal et al. in view of Berman et al. because this will prevent overbooking the user.

5.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent No. 5,873,108 to Goyal et al. in view of "Special Edition Using Microsoft Outlook

2002" to Padwick as applied to claim 14 above, and further in view of "Sams Teach

Yourself PalmPilot and Palm III in 10 Minutes" to Steinberg.

Goyal et al. in view of Padwick teaches the claimed limitations of claim 17 with the

exception of describing creating and modifying multiple tasks. However, Steinberg

teaches adding a second event within the Date Book of PalmPilot.

Referring to Fig. 17.13, Steinberg shows a second event at the same time may be

adding by clicking on the hour of the event. A second description box will appear as

shown. To see an existing event and all the information already in the Date Book, the

user may highlight the event by click on it once and then click the edit button [page 194].

Therefore, it would have been obvious to one in the art at the time the invention

was made to incorporate the availability of having multiple tasks of Steinberg with the

invention of Goyal et al. and Padwick because this will allow the user to multitask, such

as schedule a phone call during a scheduled lunch period.

6.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Sams

Teach Yourself PalmPilot and Palm III in 10 Minutes" to Steinberg in view of US Patent

No. 5,760,773 to Berman et al.

Steinberg teaches the claimed limitations of claim 18 with the exception of teaching

a drag and drop gesture. However, Berman et al. discloses an apparatus and method

for displaying and manipulating information on a computer display screen, and more

particularly relating to a calendar program.

Referring to Fig. 5 of Berman et al., the action handle (40) is being dragged with a

stylus (12) from its initial position to a rest position at (53). As shown, the data object is

a calendar item (42) indicating "12:00 – Project status meeting with Staci", and has a

corresponding (status) action handle comprising a miniature calendar [column 15, lines

57 – 68]. As the stylus (12) is moved to drag the action handle, a drag icon (40') is

generated at successive positions along the trajectory (48) until the resting position at

(53), which is at the calendar time 5:00 PM. At the resting position (53), assume that a

location where the selected data item may properly be deposited or "dropped", which

occurs upon release or withdrawal of the stylus. If the end result of the operation is a

proper move operation, upon release the static action handle (40) and its associated

data item (42) appear at the new location, and are deleted from the old, initial location

[column 16, lines 1 – 14].

Therefore, it would have been obvious to one in the art at the time the invention

was made to incorporate the dragging attribute of Berman et al. with the teachings of

Steinberg because this provides a fast and efficient alternative to modify existing tasks'

schedules instead of having to use pop-up screens and altering fields of time.

7.   Claims 28 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 5,873,108 to Goyal et al. in view of "Sams Teach Yourself PalmPilot and

Palm III in 10 Minutes" to Steinberg.

Goyal et al. teaches the claimed limitation of claim 28 with the exceptions of

teaching creating a new instance that is chronologically coincident with another.

However, Steinberg discloses the ability to add a second event at the same time period

of an existing event.

Referring to Fig. 17.13 of Steinberg, second event at the same time may be added

by clicking on the hour of the event. A second description box will appear as shown

(claim 28). To see an existing event and all the information already in the Date Book,

the user may highlight the event by click on it once and then click the edit button [page

194]. The event may be edited via the edit event screen as shown in Fig. 17.14 [page

195]. Here, the time may be specified, allowing the user to set a maximum duration as

claimed in 29. As shown in Fig. 17.13 by Steinberg, only two events may be shown at

the same time (claim 30).

Therefore, it would have been obvious at the time the invention was made to

combine the dual event attribute of Steinberg with the scheduling invention of Goyal et

al. because the user may need to multitask during a specific time period.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-

7661. The examiner can normally be reached on Monday - Friday, 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Michelle K. Lay
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09.29.2005 mkl

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